

1 STEVEN J. IGNATZ

2 purposes of just looking to see if there's a
3 report to backup a CLEAN entry.

4 Is that correct?

5 A. I believe that is correct.

6 Q. Okay. Now, since the incident in
7 Newtown Township where you went down in May
8 of 2007 to check to see if there was a
9 report, how many times have you gone out with
10 a trooper to specifically see if there is a
11 report on hand for a CLEAN entry?

12 A. I was only there until September
13 of that year and I don't think I went on any
14 more --

15 Q. Okay.

16 A. -- after that. I think that was
17 just one incident.

18 Q. Did you receive any type of
19 training in regards to your position as a
20 supervisor for CLEAN on CLEAN investigations
21 as were described in the arbitration?

22 A. No.

23 Q. Okay. And what made you think
24 you were required to go out on May 17, 2007
25 to look to see if there was a report to

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2 verify the NCIC or CLEAN entry?

3 A. It was a requirement from
4 criminal justice information service of the
5 FBI that there be a report on file for any
6 entries into the CLEAN or NCIC systems.

7 Q. Okay.

8 A. Any agency entering those types
9 of things into those computer databases had
10 to have a backup report on file that CLEAN
11 audit people could see. And in this instance
12 it appeared that there probably wouldn't be
13 such a report on file and from what I gleaned
14 from talking with Trooper Fultz. And that's
15 what we were doing. We were just going out
16 there to verify if, in fact, there was a
17 report on file.

18 Q. Okay. Can we agree that the
19 regulations that you're referring to do not
20 specifically say that, you know, the CLEAN
21 administrator, your unit, is required to go
22 out and physically check to see if there is a
23 report on hand, but rather simply say there
24 shall be a report on hand?

25 A. I know that something is subject

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2 to audit and they do that all the time. They
3 go out and compare things that are entered
4 into the system with the reports on hand.
5 That's something they do all the time.

6 Q. Okay. On this particular date
7 you were the commander. You're telling me
8 your subordinate, Fultz, asked you to come.

9 Correct?

10 A. That's correct.

11 Q. Did you know that he was going to
12 go before he asked you to go?

13 A. I don't recall, sir.

14 Q. How would your line of
15 communication work within the State Police
16 when you are to conduct an on-site
17 investigation, I think you referred to as a
18 CLEAN investigation, versus an audit?

19 A. Versus what?

20 Q. An audit.

21 A. The audits would be something
22 that's generally regularly scheduled;
23 whereas, a specific investigation might come
24 up based upon a complaint.

25 Q. Okay. An audit, according to the

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2 testimony in the transcript, was described as
3 every three years.

4 Was that correct
5 testimony?

6 A. I believe that's correct.

7 Q. Okay. And Newtown Township was
8 not scheduled in 2007 for an annual
9 three-year audit.

10 Were they?

11 A. I'm not sure, sir.

12 Q. Okay. Well, did you see any
13 records or did Fultz tell you that the visit
14 to Newtown in May of 2007 was the result of a
15 standardized three year annual audit?

16 A. No.

17 Q. No.

18 You learned, isn't it
19 true, that this was a CLEAN investigation,
20 meaning he was going pursuant to a request?

21 Is that true?

22 A. Yes, sir.

23 Q. Okay. Now, my question was how
24 do you, as the commander, receive in your
25 chain of command a request?

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2 What communication, if
3 any, do you receive, what writings, what
4 documents, what e-mail, what computer alerts
5 do you receive to support that there was a
6 request to do a specialized CLEAN
7 investigation outside the annual audit?

8 A. I believe they just were phoned
9 in. I never took one myself that I know of.
10 They were phoned into the office and the
11 investigators took them. And I'm talking
12 about a small office. I think we had --

13 Q. Eight guys?

14 A. -- eight people at the time.

15 Q. Uh-huh.

16 A. So I think that when those types
17 of complaints came in, it went directly to
18 one of the investigators.

19 Q. Well, you were the top
20 investigator, top commanderer for your unit.

21 Correct?

22 I mean, I know you had a
23 commissioner above you and a captain, but I
24 mean for delegation of the day-to-day
25 operations you were the top dog.

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2 Isn't that true?

3 A. I was.

4 Q. Okay. And you were the guy to
5 say you can or can't go out to do something.

6 Wouldn't you?

7 A. Yes.

8 Q. Okay. And in this particular
9 case it seems to me, correct me if I'm wrong,
10 you didn't know there was going to be a visit
11 to Newtown before Fultz came to you and said
12 want to go.

13 A. They went out on investigations
14 on a daily basis and I -- he just asked me to
15 go along with him for a ride.

16 Q. Well, you have in the State
17 Police a variety of rules and regulations.

18 Don't you?

19 A. (Nods head up and down.)

20 Q. One of which is the FR, the field
21 regulations.

22 Correct?

23 A. Yes, sir.

24 Q. Okay. And there's administrative
25 regulations.

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2 Isn't that correct?

3 A. Yes, sir.

4 Q. Okay. And just those two books,
5 which I have here, okay, state that the
6 supervisor is the one who is the ultimate
7 person responsible for the subordinates'
8 acts.

9 Correct?

10 A. Yes, sir.

11 Q. Okay. And those field
12 regulations specifically provide that the
13 supervisor shall ensure what the subordinates
14 do. Delegate, in fact, the assignment.

15 Isn't that true for
16 investigation?

17 A. Yes.

18 Q. And in the investigation that
19 we're talking about here in Newtown you did
20 not delegate Fultz to do that investigation.

21 Did you?

22 A. No, sir.

23 Q. Okay. And what I want to know
24 then is what documentation did he show you,
25 if any, to show you that he was not out on a

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2 witch hunt or just going out because he wants
3 to go out?

4 A. It was something that had come in
5 prior to my arrival there. He didn't show me
6 the report, which is -- I commonly wouldn't
7 see those things, anyhow. As I said, they
8 went directly from probably sergeant in the
9 unit or one of the supervisors. One of the
10 investigators took the complaint. It was
11 issued to Trooper Fultz and he followed up on
12 it.

13 Q. Okay. And the field regulations
14 talk about complaints, writing and taking
15 reports.

16 Don't they?

17 A. I believe so.

18 Q. Okay. And administrative
19 regulations mirror a lot of what the field
20 regulations say.

21 Correct?

22 A. I think so. I think it's in the
23 7-2 manual, but I'm not certain.

24 Q. All right. I didn't bring the
25 7-2 manual. So you'll be safe on that one.

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Would it be fair to say

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that when a complaint comes in it's to be put

4

on some kind of form so it's recorded and a

5

number can be assigned?

6

A. Honestly, I don't know if that's

7

how it works in CLEAN. I never saw those.

8

Q. Okay.

9

A. That document.

10

Q. So how did it work in CLEAN if

11

somebody called in CLEAN and said I want you

12

to go out, use your authority as a CLEAN

13

investigator and check out some originating

14

agency, in this case Newtown Township?

15

A. I'm not sure. There was a

16

sergeant in the unit that documented those

17

types of things. I'm not sure what the

18

paperwork was for that.

19

Q. Okay. But there should be some

20

form of documentation.

21

Correct?

22

A. I would think so. Because I know

23

there's CLEAN incident numbers assigned to

24

those types of things.

25

Q. Is there any exception you can

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2 tell me as the supervisor of the time to not
3 recording a request for investigation and
4 then the initiation of the investigation?

5 A. Not that I can think of.

6 Q. Okay. Would you be required to
7 track the investigation through paperwork and
8 numbers?

9 In other words, assign an
10 incident number?

11 A. That was something that was done
12 in the unit. There was an incident number
13 assigned to it.

14 Q. Okay.

15 A. That wasn't something that I did.

16 Q. Okay. And that incident number
17 would indicate who the caller was or the
18 complainant or the requester.

19 A. I believe so.

20 Q. Have you ever seen that document
21 in the incident involving Christopher Bush
22 and Newtown Township?

23 A. I don't recall seeing such a
24 document.

25 Q. Okay.

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2 A. But I may have.

3 Q. Well, as a party to this case you
4 were aware that certain documents were
5 requested by the plaintiff.

6 Were you not?

7 A. No. I don't think I was, sir.

8 Q. Okay. Believe me, one was and
9 Randy and I know each other for as a number
10 of years. So I'm sure he knows that one was
11 sent and it was sent up to the State Police.

12 If such a document exists
13 showing who called, when they called and what
14 was being requested, where would that
15 document be found?

16 A. I would believe it's in the CLEAN
17 audit section somewhere.

18 Q. Okay. Now, a lot of times when
19 certain investigations are done with a lot of
20 attachments they have been sent to department
21 headquarters.

22 Correct?

23 A. Yes.

24 Q. In a CLEAN investigation do you
25 follow that same policy?

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2 That once the
3 investigation is concluded that you then send
4 the report and the attachments to department
5 headquarters?

6 A. The CLEAN section was at the
7 department headquarters and I believe they
8 kept them right there at the section.

9 Q. So they than didn't send them to
10 the central file system.

11 A. I don't believe they went
12 anywhere other than that section.

13 Q. Okay. So if I asked again for
14 the CLEAN investigation you should be able to
15 then go back to your files. I don't even if
16 you're still there yet. But someone should
17 be able to go back to the CLEAN file room and
18 full that investigation file.

19 Is that true?

20 A. Yes, sir.

21 Q. All right. Is there a retention
22 period for the records?

23 A. I believe they keep them
24 permanently.

25 Q. Okay. Now, when your subordinate

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2

Fultz said do you want to go down, you

3

indicated that you had a conversation on the

4

road on the way out.

5

Correct?

6

A. (Nods head up and down.)

7

Q. Before that conversation on the

8

road did he tell you anything about what the

9

purpose of the investigation was?

10

A. I don't remember exactly when he

11

had told me. It was just sort of a

12

matter-of-fact conversation that a detective

13

there had entered his brother's children into

14

CLEAN and NCIC and they were subsequently

15

picked up in Virginia, I believe. And we

16

just had to go out and verify a report on

17

file --

18

Q. Okay.

19

A. -- to see if, you know, it was a

20

CLEAN violation.

21

Q. Okay. And you had never done one

22

of those before I think you testified.

23

Correct?

24

A. Not that particular type of -- I

25

hadn't been involved in that particular type